HIGH COURT OF UTTARAKHAND, AT NAINITAL

Writ Petition No.247 of 2006 (S/B)

1. Dr. Parmeshwar Deen Chaudhary
   S/o Sri Ram Heet Chaudhary
   R/o village & P.O. Bir Singhpur
   District Satna Madhya Pradesh
2. Dr. Javed Ahmad
   S/o Sri Aftab Ahmad
   S/o Aftab Ahmad
   R/o Niyaz Ganj Almora .....Petitioners

Versus

State of Uttaranchal
through Secretary, Medical, Health & Family
Welfare Dehradun & five others .....Respondents

Sri Gopal Narain, Advocate for the petitioners
Sri B. D. Kandpal Standing Counsel for respondent nos. 1, 2 & 3.
Sri Arvind Vashisht Assistant Solicitor General for respondent no.4
Ms. Beena Pandey Standing Counsel (U.P. Govt.) for respondent no.5 & 6.

Coram: Hon'ble J.C.S. Rawat, J.
Hon'ble P. C. Pant, J.

Per :- Hon'ble J.C.S. Rawat, J. (Oral)

1. Heard Sri Gopal Narain learned counsel for the petitioners, Sri B. D. Kandpal learned Standing Counsel for respondent nos.1, 2 & 3, Sri Arvind Vashisht learned Assistant Solicitor General for respondent no.4 and Ms. Beena Pandey learned Standing Counsel (U.P. Govt.) for respondent no. 5 & 6.

2. By means of this writ petition filed under section 226 of the Constitution of India, the petitioners have sought the following reliefs :-

(i) To issue a writ, order or direction in the nature of mandamus directing the respondents no.1 & 2 to relieve the petitioners for State of Uttar Pradesh with immediate effect.

(ii) To pass such an order which his Hon'ble Court may deem in the facts and circumstances of the case.

(iii) To award the cost against the respondents in favour of the petitioner.

3. A Short Counter Affidavit dated 03.11.2006 has been filed on behalf of respondent No. 1 & 2 standing therein that since the petitioners have already been relieved to the State of U.P., hence the writ petition has become infructuous and is liable to be dismissed.

4. Considering the above, the petition has been rendered infructuous and is dismissed as such. No order as to costs.

(P.C. Pant, J.) **(J.C.S. Rawat, J.)**

Dated 19.03.2007
LSR